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10/797,635

03/09/2004

Justin Ridge

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4746

4955

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05/22/2008

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EXAMINER

FINDLEY, CHRISTOPHER G

ART UNIT

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2621

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

***Response to Request For Reconsideration Submitted After Final***

1. Applicant's arguments filed 4/23/2008 have been fully considered but they are not persuasive.
2. Re claims 4 and 21, the Applicant contends that Koto does not teach or suggest obtaining the block difference using the claimed method. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a non-linear combination of reference blocks) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The claim language does not preclude using AC and DC component values for determining block differences.
3. Re claims 4 and 21, the Applicant contends that Koto fails to teach or suggest obtaining the block **difference** (emphasis added by Applicant) at least partially based on a summation of absolute values of differences between corresponding individual coefficients in each of said rectangular blocks of coefficients and said at least one reference block of coefficients. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The previous office action pointed to Fig. 33 of Kato to show the process of finding differences between target blocks and reference blocks.

However, the Examiner cited Kato as utilizing a sum of absolute values of coefficients in the prediction operation (Kato: column 16, lines 20-34).

4. Therefore, the Applicant's arguments are deemed non-persuasive, and the previous rejection is maintained by the Examiner.

5. Claims 3-7, 9-17, 20-23, 25, and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et al. (US 20030215014) in view of Kato et al. (US 6151360 A).

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et al. (US 20030215014) in view of Kato et al. (US 6151360 A), as applied to claims 3-7, 9-17, 20-23, 25, and 27-30, and further in view of Wu et al. (US 6700933 B1).

### ***Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER FINDLEY whose telephone number is (571)270-1199. The examiner can normally be reached on Monday-Friday 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

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/Christopher Findley/

/Andy S. Rao/

Primary Examiner, Art Unit 2621

May 21, 2008